

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HEWLETT PACKARD ENTERPRISE CO.,
ARUBA NETWORKS, LLC, and
APPLE INC.,

Petitioner,

v.

BillJCo, LLC.,

Patent Owner.

IPR2022-00420 (Patent 10,477,994 B2)
IPR2022-00426 (Patent 8,761,804 B2)
IPR2022-00427 (Patent 10,292,011 B2)¹

Before THU A. DANG, ROBERT J. WEINSCHENK, and GARTH D. BAER,
Administrative Patent Judges.

BAER, *Administrative Patent Judge.*

ORDER

Conditionally Granting Patent Owner's Motion for *Pro Hac Vice*
Admission of Courtland C. Merrill
37 C.F.R. § 42.10(c)

¹ This Order applies to each of the identified proceedings. The parties are not authorized to use this style heading for any subsequent papers.

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Patent Owner filed motions for admission *pro hac vice* of Courtland C. Merrill in the above-identified proceedings. Paper 19 (“Motion”).² Patent Owner also filed affidavits of Mr. Merrill in support of the motions. Ex. 2020 (“Affidavit”). For the reasons discussed below, the motions are *conditionally granted*.

In accordance with 37 C.F.R. § 42.10(c), we may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause, subject to the condition that lead counsel be a registered practitioner. The representative Order authorizing motions for *pro hac vice* admission requires a statement of facts showing there is good cause for us to recognize counsel *pro hac vice*, and an affidavit or declaration of the individual seeking to appear. *See* Paper 5, 2 (citing *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639 (PTAB Oct. 15, 2013) (Paper 7) (representative “Order – Authorizing Motion for *Pro Hac Vice* Admission”).

Based on the facts set forth in the motions and accompanying affidavits, we conclude that Mr. Merrill has sufficient legal and technical qualifications to represent Patent Owner in the above-identified proceedings, that Mr. Merrill has demonstrated sufficient litigation experience and familiarity with the subject matter of the proceedings, and that Mr. Merrill meets all other requirements for admission *pro hac vice*. Accordingly, Patent Owner has established good cause for admission *pro hac vice* of Mr. Merrill.

² We cite to Papers and Exhibits filed in IPR2022-00420. Similar Papers and Exhibits were filed in IPR2022-00426 and IPR2022-00427.

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Upon review of the record before us, we note that a Power of Attorney in accordance with 37 C.F.R. § 42.10(b) has not been submitted for Mr. Merrill. In view thereof, and for the reasons set forth below, Patent Owner's Motion is *conditionally granted*, to be effective after Patent Owner files a Power of Attorney.

Accordingly, it is

ORDERED that Patent Owner's Motion for Admission *Pro Hac Vice* of Courtland C. Merrill in each of the above-identified proceedings is *conditionally granted*, provided that within ten (10) business days of the date of this order, Patent Owner must submit a Power of Attorney for Mr. Merrill in accordance with 37 C.F.R. § 42.10(b);

FURTHER ORDERED that Patent Owner must file updated mandatory notices identifying Mr. Merrill as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3);

FURTHER ORDERED that Mr. Merrill is authorized to represent Patent Owner only as back-up counsel in the above-identified proceedings;

FURTHER ORDERED that Patent Owner is to continue to have a registered practitioner represent it as lead counsel in the above-identified proceedings;

FURTHER ORDERED that Mr. Merrill is to comply with the Consolidated Trial Practice Guide³ (84 Fed. Reg. 64,280 (Nov. 21, 2019)), and the Board's Rules of Practice for Trials, as set forth in Part 42 of 37 C.F.R.; and

³ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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FURTHER ORDERED that Mr. Merrill shall be subject to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.*

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